

REMARKS

Claims 1-12 are all the claims pending in the present application, new claims 11 and 12 having been added as indicated herein.¹ Claims 3 and 7 contain allowable subject matter, as previously indicated, and would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. The Examiner no longer applies prior art reference Chen (US Patent No. 5,881,300), however the Examiner now applies a new reference Shima et al. (US Patent No. 6,456,714). Specifically, claims 1, 2, 4-6, and 8-10 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Shima.²

With respect to independent claim 1, Applicant submits that Shima does not disclose or suggest at least, “monitoring at the source device a format of the output bit stream of the source device while communications are being maintained between the source device and the sink device to determine if requirements for the system resources have changed,” as recited in claim 1. As the Examiner indicates in the paragraph bridging pages 3 and 4 of the present Office Action, the microcontroller 320 in the alleged sink device (peripheral device 230) maintains a real time accounting of the amount of bandwidth used amongst the devices in the multimedia network 100 (multimedia network 100 includes the alleged source devices). Clearly, Shima does not disclose or suggest monitoring a format of the output bit stream of the source device at the

¹ The Examiner mistakenly indicates that only claims 1-9 are pending in the application on the Office Action summary sheet (claims 1-10 should have been indicated as pending).

² The Examiner mistakenly indicates that only claims 1, 4, and 8 are rejected under 35 U.S.C. § 103(a) over Shima, on page 2 of the Office Action.

source device, as described in the limitation above; Shima clearly discloses that the microcontroller 320 of the sink device performs the function of accounting for the bandwidth being used in the multimedia network. Therefore, at least based on the foregoing, Applicant submits that independent claim 1 is patentably distinguishable over Shima.

Applicant submits that independent claim 4 is patentable at least based on reasons similar to those set forth above with respect to claim 1.

With respect to dependent claims 2, 5, 6, and 10, Applicant submits that these claims are patentable at least by virtue of their respective dependency from independent claims 1 and 4.

Further, with respect to claims 2 and 6, on page 4 of the Office Action, the Examiner alleges:

It would have been obvious to one having ordinary skill in the art to maintain information in the source device for the real time accounting of the amount of bandwidth currently used on the source device to know the status of data transmission from the device, thus the same information for the bandwidth allocated to each source device is maintained in the source device and the sink device as discussed for claim 1.

In response, Applicant submits that the Examiner's allegation above clearly reflects impermissible hindsight reasoning, as the Examiner makes conclusions even though none of the features set forth in claims 2 and 6 are disclosed or suggested in Shima. Further, even if, *arguendo*, one skilled in the art would want to detect the final system resources (as the Examiner alleges), nowhere does Shima disclose or suggest the specific operations set forth in claims 2 and 6 for accomplishing this task. Specifically, nowhere does Shima disclose or suggest recording at the source device information regarding a change in requirements for the system resources in a pre-determined storage location of the source device. As indicated above, Shima only discloses that a microcontroller 302 of the sink device keeps account of an amount of bandwidth currently

being used within the network 100. Therefore, at least based on the foregoing, Applicant submits that claims 2 and 6 are patentably distinguishable over Shima.

With respect to independent claim 8, Applicant amends this claim, as indicated herein, and submits that Shima does not disclose or suggest, “wherein the source device and the sink device are in a same multimedia network,” as recited in amended claim 8. The alleged source devices 110-150 of Shima are all a part of the multimedia network 100, while the alleged sink device 230 is NOT in the same multimedia network 100. Therefore, at least based on the forgoing, Applicant submits argue that amended claim 8 is patentably distinguishable over Shima.

Applicant submits that dependent claim 9 is patentable at least by virtue of its dependency from independent claim 8.

Also, Applicant submits to add new claims 11 and 12 to provide a varying scope of coverage. Applicant submits that these new claims are patentable at least by virtue of their respective dependencies.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U. S. Application No. 09/624,348

ATTORNEY DOCKET NO. Q60039

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Diallo T. Crenshaw
Registration No. 52,778

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: November 14, 2005